



Bob Riley  
Governor

## Alabama State Board of Licensure for Professional Engineers and Land Surveyors

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Regina A. Dinger  
Executive Director

Mr. Phillip Gibson  
Camp Dresser & McKee  
210 East Capitol Street, Suite 1256  
Jackson, MS 39201-2300

**Rule Number:** 34-11-9 (2)

**General Question:**

Is a joint venture with a fictitious name, doing business and offering engineering services in Alabama required to obtain a Certificate of Authorization from the Board if all three members of the Joint Venture have obtained a current license and Certificate of Authorization from the Board?

Dear Mr. Gibson:

This declaratory ruling of the Board of Licensure for Professional Engineers and Land Surveyors is issued in response to your petition.

### QUESTION

Whether the fictitious name "Regional Management Group" requires a separate certificate of authorization for engineering from the Board in accordance with Alabama Code 34-11-9 (2) if all three joint venture member companies are certificated and have current certificates of authorization from the Board.

### FACTS, LAW, AND ANALYSIS

According to Alabama Code, Section 34-11-9, "The practice of or offer to practice engineering and land surveying as defined in Section 34-11-1 by individual professional engineers or professional land surveyors licensed under this chapter through a corporation, partnership, or firm offering engineering or land surveying services to the public through individual licensed professional engineers and licensed professional land surveyors, as agents, employees, officers, or partners, is permitted subject to this

chapter and one or more of the principal officers of the corporation, firm, or partners of the partnership and all personnel of the corporation, partnership, or firm who act in its behalf as professional engineers or professional land surveyors in this state are licensed as provided by this chapter, or are persons lawfully practicing under Section 34-11-14 and the corporation, partnership, or firm has been issued a certificate of authorization by the board as provided herein”.

According to Alabama Code Section 34-11-9(a)(2) “Nothing in this section prohibits an individual, corporation, firm or partnership from joining together to practice or holding themselves out as qualified to practice engineering or land surveying provided that the individual, corporation, firm or partnership meets the requirements of this section”.

According to Alabama Code Section 34-11-9(a)(8), “A certificate of authorization shall be required by a corporation, partnership, firm, association, or person practicing under a fictitious name, offering engineering or land surveying services to the public. Where a licensee is practicing engineering or land surveying in his or her own given name, the licensee shall not be required to qualify under this section”.

### CONCLUSION

Section 34-11-9(a)(8) sets forth the requirement for a certificate of authorization for corporations, partnerships, firms, associations, or persons practicing under a fictitious name, that offer engineering or land surveying services to the public. Joint Practice by licensed individuals or certificated corporations, firms and partnerships is permitted as defined in Alabama Code § 34-11-9(a)(2). This section further requires that individuals, corporations, firms or partnerships forming a joint practice meet the requirements of the section 34-11-9.

Qualified licensed individuals, and certificated corporations, firms or partnerships are permitted to form a joint venture to practice engineering or land surveying in the State of Alabama. This joint venture when operating under a fictitious name must obtain a certificate of authorization from the Board in accordance with Alabama Code Section 34-11-9(a)(2).

In addition, your Petition for Declaratory Ruling indicates the proposed fictitious name of the joint venture “Regional Management Group” has not been registered with the Alabama Secretary of State. While all firms conducting business in Alabama, (with the exception of sole proprietorships and partnerships) are required to register with the office of the Secretary of State; this registration or non-registration does not impact the requirements of Alabama Code Section 34-11-9(a)(8).

  
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William C. Ulrich, Jr., P.E.  
Chair